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How Senator George Cancelled Out the Yalta Revelations

The Swindle at the State Department

If you think of the public mind as a huge blackboard on which only large and simple words are visible, this is what happened here in the past week. The leak of the Yalta papers wrote "Negotiations Bad" across that blackboard. Senator George three days later on *Meet the Press* unexpectedly ran an eraser through those words and made negotiations seem respectable again.

Yalta, justifiably or not, is associated in the public mind with Alger Hiss, espionage, the sell-out of Poland, the loss of China, Muscovite duplicity. The State Department, which devotes a major share of its energies to the molding of public opinion, knew exactly what it was doing when it leaked those papers to the *New York Times*.* The British, the French and the Germans had all been promised that when rearmament of the Reich was ratified we would agree to negotiate with the Russians. In addition there is evidence of much parleying behind the scenes among London, Moscow, New Delhi and Peking with a view toward a conference for a general settlement in the Far East. To release the documents at such a time was again to blacken the idea of any negotiations whatsoever.

It was hopeless to try and undo that effect by analyzing the documents once they had been released. Fascinating and vivid as they are, they will be read by few people. That they contain nothing new is beside the point. Their release touched off all the conditioned reflexes associated with the dirty word, "Yalta." The one effective rejoinder was to associate the idea of negotiations with something established in the public mind as unassailably sound and impeccably conservative. This is what the senior Senator from Georgia did when on *Meet the Press* last Sunday he suddenly came out for a meeting of the Big Four heads of state as soon as possible.

The chairman of the Senate Foreign Relations Committee is probably the most respected man in Congress, ultra conservative in fiscal affairs, a traditionalist on constitutional questions as he has shown on crucial occasions in defense of the Bill of Rights, an old-fashioned Southern internationalist of the Wilson era variety, and with it all a man of precise mind and a certain personal purity of character. If Senator George thinks it wise and necessary to negotiate as soon as possible with Moscow, lesser and more vulnerable men may advocate negotiation without being smeared. This is the change in atmosphere which George brought about, and no one but George could have accomplished it.

A Strictly Ersatz Confusion

The confusion in the wake of the George statement is of a planned variety. Once George had spoken up for a top-level meeting, the State Department could not afford to disagree with him openly and let Western Europe see that we are reluctant to enter the negotiations we promised after the Bonn accords had been ratified. Nor could Dulles afford an open rift with the chairman of the Foreign Relations Committee in a Democratic Senate, the man without whose help the Administration might never have won approval for Public Resolution No. 4, with its blank check for war in the Formosa straits. So the Department set out to create the impression that it agreed with George, and succeeded in generating the kind of headlines it wanted. But any West European diplomat who studies the transcripts of the State Department's daily press conferences last week will see that Dulles does not agree with George at all and is as opposed as ever to a new conference, unless indeed Moscow signs on the dotted line in advance—in which event, as George commented, we'd have not a conference but "a jubilation meeting."

Each day last week the State Department spokesman insisted that George's views were in harmony with Dulles. But the answers to questions, and the refusals to answer, showed how wide apart their views are. The Department made clear that it is still thinking in terms of a meeting of the Four Foreign Ministers not of heads of state, that it is against even such a meeting unless the Russians have shown themselves ready in advance to agree with us on Germany and Austria, and that it does not share George's view of the urgency of conferring if war is to be averted. A study of these transcripts and of the President's own replies on Wednesday shows that Knowland was right when he said after calling at the White House Tuesday that Senator George's view was not that of the U.S. Government. Dulles will do all he can to avoid negotiations.

Dulles's own view was made clear when he told the United Negro College Fund in New York Sunday night that we may again be forced to "forego peace in order to assure the blessings of liberty." These lush phrases reveal his real thinking. The Secretary of State is a Cato bent on war; Eisenhower for the time being is with him and Radford. The advantage of what has happened is that in angry reaction against the double dealing of Dulles a stifling bipartisanship has been shelved for a Democratic initiative looking toward negotiations. If there were only a mass peace movement today, how much could be accomplished behind George's leadership!

* I have yet to find a reporter in the capital who does not believe that Dulles's press relations assistant, Carl McCardle, gave them to the *Times* on the Secretary's instructions. When the State Department's spokesman, Henry Suydam, was asked last Monday about the report that McCardle had leaked the report "with the Secretary's concurrence," he made no denial. "I have no comment on that," was his only answer.

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You Can't Make Outlaws of Communists Without Establishing Thought Surveillance

While Harry Cain Moves Left, the ADA Moves Right

One of the heroes of the fight against the witch mania was a 16th century German jurist named Dietrich Flade. His experience as chief judge in witch trials gradually led him to doubt the validity of what was paraded before him as evidence and confession. When he began to voice his misgivings, he was himself tortured until he, too, "confessed" to being part of the Satanic conspiracy and was burnt at the stake. We hope his story will not furnish too many parallels with that of former Senator Harry P. Cain of the Subversive Activities Control Board. Last week, for the second time this year, Mr. Cain made a speech severely criticizing many aspects of our own witch hunt. Were Pat McCarran alive, Mr. Cain would almost certainly be roasted on the Senate floor.

Mr. Cain's conversion to liberalism is as yet limited. He is in the same stage as a Madame who, as religion begins to creep up on her, wonders whether the girls (without seriously interfering with business) couldn't be just a little more, well, *virginal*. Mr. Cain sees the injustices and fallacies of the witch hunt; there is a warmth about what he has to say which carries conviction; we applaud him for it. But what he would like is somehow to clean up the witch hunt and yet keep it at the same time. He is casting about (as can be seen from the excerpts below) for some way to limit its impact to real Communists and real fellow travellers. These are the only people he would proscribe. But how determine who is *really* a Communist and *really* one of their fellow travellers without setting up an idealogical thought police (like the SACB)?

Mr. Cain may be respected as a man painfully learning from experience. But while he moves left, liberal organizations like the Americans for Democratic Action move right, not so much out of conviction but in an attempt at self protection by truckling. At its convention here last weekend, the ADA adopted a resolution calling the Communist party a conspiracy for espionage and sabotage. This is too serious a charge to be made irresponsibly.

If the Communist party is a conspiracy for espionage and sabotage, it can be prosecuted on those grounds in the courts. These are crimes, and have nothing to do with political ideas. The government has a network of secret agents and informers inside the Communist party and its affiliated organizations. If it had evidence on which to base a prosecution, it would have done so a long time ago. The very fact that the government has had to use the Smith Act against the Communists, and to charge them with "conspiracy to advocate," is a confession that it has no evidence of conspiracy to commit espionage or sabotage. Then what right has the ADA to make the accusation? Are people to be accused wholesale without proof? Is the ADA in this any different from the cowardly "casual informer" who makes charges he cannot substantiate to demonstrate his own "loyalty"?

This fuzzy minded formulation about the Communists being outside the pale of constitutional liberties because they are a "conspiracy" is a passport to respectability these days. Frightened intellectuals cling to it. But it is a menace to everybody's liberty. It is made to order for the witch hunters. If the Communists are conspirators, they will hide in ostensibly non or anti Communist organizations to carry out their purposes. If we are dealing with a conspiracy, then the secret police have a right to spy on every organization. If the Communists are to be outlawed, as the conspiracy concept must and is outlawing them, then how are we to determine without thought surveillance who is really Communist? By calling the Communists conspirators, the liberal intellectuals merely succeed in bringing themselves under suspicion.

And On Top of All That Is That D——d Old Constitution

"On top of all that there's a 'left wing' drive on to surround Government employes with complex procedural devices which would supersede the rights of the American government to protect its own safety."

—David Lawrence, Wash. Eve. Star, Jan. 12

A Leading Witch Hunter Again Expresses Doubts About the Witch Hunt

"Those who use 'Fifth Amendment' as an adjective of disapprobation modifying the noun 'Communist' are as guilty of disrespect for the Constitution as any Communist could be. . . . We should be less concerned with the few who hide behind the privilege without justification and much more concerned by those who trifle with and prostitute its significance. . . .

"The government employes undercover agents, paid informers, and casual informers for whom it wishes to guarantee anonymity. . . . Investigators ask us what we know or desire to say about our friends, co-workers, associates and acquaintances. Should we not be willing to say under oath and at a hearing what we have freely said, be that derogatory or praiseworthy, within the four walls of our home or office? If we are unwilling, should we not be required to support our judgment or retract it?

"The accused employee is constantly impressed by the sad consequence to result if he does not tell the truth. I think it sadder that he can be torn to shreds by the tongue of a person he never sees. Perjury ought to be as applicable to the accuser as to the accused. . . .

"Is it not logical to understand that one may have joined the Workers Alliance because unemployed, or taken out a card at the Washington Bookshop during the early 1940's in order to buy books or records at a discount, or joined one of the friendship with Russia groups during the World War II alliance, without in these cases ever knowing that the organization was subversive or controlled by the Communists? Has our society become so lacking in vitality, vision and strength that we must pore over the ashes of a dead period in the past which will not be fully analyzed by historians for another 50 years? . . .

"All I do professionally is to work on those portions of the [Attorney General's] list which cover alleged Communist organizations. My experience has taught me, or I have grown to believe, that memberships in these groups are often absolutely meaningless unless they are related to when, where and why.

"The Attorney General is presently seeking to list the National Lawyers Guild as the legal mouthpiece of Communism in our country, but had I been an enterprising law school undergraduate or Negro lawyer in the late 1930's, I would probably have joined it. The American Bar Association of that period did not admit Negroes to membership. . . .

"The Attorney General's list ought, in my judgment, to be liquidated through procedures which our country supports. The merits of the charges against any listed organization should be adjudicated. Sanctions should apply only to those who remain as members after an organization has been found to be guilty as alleged by the Attorney General."

—Former Senator Harry P. Cain, of the Subversive Activities Control Board, before the National Civil Liberties Clearing House in Washington, March 18 (the text is on pages 2585-91, of Congress. Rec., same date)

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The Old Case of the Recalcitrant Railway Auditor Is Challenged

The Fight to Save the 5th Amendment from The New Immunity Law

In the 1890's an auditor for the Alleghany Valley Railway Company pleaded the Fifth amendment when asked whether his employer had violated the Interstate Commerce Act by giving rebates to the Union Coal Company. The Interstate Commerce Act provided that a witness could be compelled to testify if granted immunity from prosecution. The auditor challenged the constitutionality of that provision but the Supreme Court in 1895 rejected his plea 5 to 4 in *Brown v. Walker* (161 U.S. 591). This is the precedent which must be reversed or by-passed if the new Immunity Act is to be overturned in the courts, and the Fifth amendment saved for political heretics.

The issues have just been argued before a 3-man appeals bench in New York in the case of William Ludwig Ullmann, one of those named by Elizabeth Bentley as part of an alleged Soviet espionage ring in the Treasury during the last war. Ullmann was taken before a grand jury last Fall, just before election, and ordered to talk on proffer of immunity. He declined and was sentenced to six months for contempt. His appeal was heard by two U.S. Circuit Court judges, both liberals, Jerome Frank and Charles E. Clark. Sitting with them was District Judge Clarence G. Galston. Ullmann pleaded in an affidavit (see excerpts below) that he was the victim of political persecution; that he had several times denied the espionage charges under oath; and that the grand jury proceeding was a "fishing expedition" to "get" him for perjury or to expose him as a radical if he could not be frightened into informing on the promise of immunity for himself.

The government argued that the Supreme Court had already decided in *Brown v. Walker* that immunity legislation was constitutional. Defense counsel, Nathan Witt and Leonard B. Boudin, set out to "distinguish" (as the lawyers say) the older case from this one. The heart of their argument is that "running through the majority opinion" in the old *Brown* case "is open skepticism as to how the auditor could himself have been involved in any crime and how his admissions could lead to any personal odium and disgrace." Rebates were a common practice; the auditor was not personally responsible; he would not have been hurt by the revelation of illegal rebates. The majority said they could not see where the auditor would suffer any "legal detriment" from being compelled to testify.

Ullmann's defense counsel in a brilliant brief contrast what happens to a radical today who is compelled to testify about his political views and associations. Even if the witness is granted full immunity from Federal or State prosecution, it cannot be said that the radical will not suffer "legal detriment" of other kinds.

Sen. George on the Immunity Law

". . . underlying our whole concept of jurisprudence is the personal right of a witness, not only to refuse to testify or to answer a question which would tend to incriminate him, but it is also the right of the witness to refuse to testify when his testimony would necessarily bring into public contempt and disrepute the members of his immediate family. It is a much broader right than the mere right of the defendant himself to escape punishment for a criminal offense."

—Sen. George, opposing passage of the McCarran bill to compel testimony on grant of immunity, 99 Con. Rec. 4742 (1954).

These are summarized by the defense. "Subversives" are barred from employment in the government or in defense facilities. Under the Internal Security Act it is unlawful for them to apply for or use passports. In the event of an emergency, they may be interned in detention camps. Employment as a longshoreman, in the merchant marine, or as a radio operator is subject to political screening. Dishonorable discharge from the Army is provided for subversives. Teachers and many other types of profession or occupation are now subject to loyalty oaths and political interrogation. "Only the most menial and low-paying occupations," the defense argued, "are now available to many persons who have been branded as subversive . . ."

In addition to such governmental sanctions—none covered by the proffer of immunity—there are all kinds of private sanctions: expulsion from labor unions, loss of private employment, discrimination in housing and schooling, and public opprobrium.

"These sanctions," the defense argued, "are not generally regarded in the United States as reason for invoking the constitutional privilege. However, it is significant that in an analogous period of religious oppression, the 18th century, the English equity courts allowed witnesses to be silent where admissions of papacy would result in property loss, or where ecclesiastical censure would follow, or where a parliamentary seat was at stake. Where the effect of political heresy is as serious as it is today the dissenter is subject to penalties and forfeitures which, if anything, are more drastic than even criminal prosecution."

So the defense concludes that the purpose of the Fifth amendment "cannot be achieved unless it is interpreted and applied in the light of the dangers today confronting the witness in a political case."

Ullmann's Own Story of His First "Harry White Spy Ring" Interrogation by the FBI

"Not Foreign Riff-Raff That Came Over on a Boat a Few Years Ago"

"On April 15, 1947, about a month after I had left the Treasury, two agents of the Federal Bureau of Investigation came to my home at about 5:30 p.m. . . . Although I said I preferred to talk to them at my home, they prevailed upon me to go to FBI headquarters . . .

"I am prepared at any time to testify in detail about the character of the questioning and the insults and threats which went with it, but I merely summarize here so as not to burden this affidavit unduly. I was asked the questions about espionage which were based on what I later learned, in 1948 as I have said, were Miss Bentley's charges. When I answered such questions in the negative, the agents accused me of lying, as they did also from time to time when I denied that I knew this or that friend or acquaintance or Government associate of mine was a 'red' . . .

"The agents left no doubt that they were firmly convinced of my guilt. As I have said, they kept accusing me of lying. They told me at one point that I was 'lucky' that the questioning was not taking place in a 'red' country where, because of the denials I was making, my arm would already have been broken. They knew about my 'good staunch' American parents in Missouri and that I would 'hate' to see anything happen to them. . . .

"The agents reminded me that I was 'good American stock—not foreign riff-raff that came over on a crummy boat a few years ago'; I was not a 'smelly foreigner.' They told me that they would protect me if the Silvermasters were threatening my life, and that if I 'cooperated,' I could earn (in fact they could almost 'guarantee' it) large sums from writings, movies, lecture tours, etc."

—Affidavit of William Ludwig Ullmann, U.S. District Court, Southern District N. Y., Nov. 17, 1954

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They Would Repeal the First Amendment to Get the *Daily Worker*

A Bill to Prove (Positively) That Sens. Johnston and Smith Are Not Reds

The Postmaster General in a letter to Johnston of South Carolina, chairman of the Senate Post Office Committee, complains that the Post Office is subsidizing the *Daily Worker* to the tune of $40,000 a year, this being the estimated difference between the second-class mail rates it pays (along with other publications) and the cost of carrying such mail. The Senator and Mrs. Smith, the Republican lady Senator from Maine, thereupon introduced a bill (S. 1508) last Tuesday to bar the *Daily Worker* from the mails altogether.

If this is meant as economy, it doesn't make sense. At present we are spending roughly $80,000,000 a year on the FBI and no one knows just how many millions more on the other political gumshoe agencies of the government. Were the *Daily Worker* put out of business, the government would have to spend several times as much to do the same job. It is obvious from the kind of evidence dredged up in countless hearings that the FBI and the other snoopers get most of their information by reading the *Daily Worker*, the Communists if conspirators being the only ones who oblige the police by publishing a daily bulletin on their activities. That $40,000 is less than one half of one-tenth of one percent of the FBI budget and perhaps one of the few intelligence expenditures of the government which pays off.

It is not only the FBI which would be hurt by putting the *Daily Worker* out of business. On this frail foundation, barely kept in existence by constant appeals for help and an underpaid staff, has been built a major new American industry—our private experts and consultants on Communism. What would *Counter-Attack* do for copy? Where would the Jenner-Eastland committee find its source material? How would Philbrick know what was going on in the Red Underground if he could not read about it in the *Daily Worker*?

When the profits of these private agencies are taken into account, $40,000 is chicken feed. The *Daily Worker* could probably blackmail the lot of them into paying the $40,000—and its constant deficit—by threatening to leave them all high and dry by going out of business . . .

This bill is another example of the tendency of our "liberals," such as they are, to cancel out any good they do in the fight against the witch hunt by hastily sponsoring repressive measures of their own lest they themselves be suspected. To prove that they are not soft on Communism, they are ready to demonstrate that they are soft in the head. Mrs. Smith tried to atone for her anti-McCarthyism last year by sponsoring the Eisenhower-Brownell measure for making stateless persons of native-born American radicals.

Fascists Are Exempt

Perhaps Senator Johnston is trying to atone for his activities in protesting injustices to civil servants under the loyalty-security program. The method he has chosen is to tear a propitiatory hole in the Bill of Rights. The First Amendment says Congress may make no law abridging freedom of the press. This bill would not only deny 2d class mail privileges but forbid the mails altogether to "written or printed matter, designed to promote, or the circulation of which may reasonably be expected to promote" the establishment "eventually . . . in any one or all of the countries of the world" of a "Communist totalitarian dictatorship." This carefully excludes Fascist material and is broad enough to cover a friendly attitude toward Communist China.

This bill would do more than establish postal censorship. It would make it unlawful for any private person to transmit such literature "in interstate or foreign commerce." The distributor would have to read all the periodicals or books he distributed to see whether he "has reason to believe" that the material "might reasonably be expected to promote world communism." The penalty would be a fine of no more than $10,000 a year or five years in jail or both. This is enough to scare the average distributor, already timorous, into handling nothing to the left of the *Ladies Home Journal*.

The chances that this monstrosity will pass the Congress are slim, but it is the kind of measure which sometimes slips through (like the Eisenhower-Brownell denaturalization law) in the closing days of a session. In the meantime it is worth a million dollars to anti-American propagandists abroad anxious to show the world just how wacky we are getting to be.

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